

	)	<b>Civil Action No. 17-CV-1331 (WHP)</b>
<b>MOZA, LLC</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>SUPPLEMENT TO JOINT PRE-TRIAL</b>
	)	<b>ORDER ON BEHALF OF DEFENDANTS</b>
<b>-v-</b>	)	<b>ULTRA FRESH, LLC AND MICHAEL</b>
	)	<b>FELIX</b>
<b>TUMI PRODUCE INTERNATIONAL</b>	)	
<b>CORP., CATHERINE BRACHO,</b>	)	
<b>WILLIAM BRACHO, ULTRA FRESH,</b>	)	
<b>LLC, MICHAEL FELIX, and,</b>	)	
<b>WILLIAM HIDALGO</b>	)	
	)	
<b>Defendants.</b>	)	

1. The full caption of this action is shown above..
2. As to Plaintiff's assertions of claims which do not need to be tried in ¶5b xi and xii of the proposed Joint Trial Order (Doc. 116 at p. 6), that Ultra Fresh, LLC ("Ultra Fresh") is owned by Michael Felix ("Felix") and that the PACA license obtained by Ultra Fresh is inaccurate since it fails to Identity the owner of Ultra Fresh as Michael Felix, Felix and Ultra Fresh contend that Felix is not the owner of Ultra Fresh and that the PACA license is accurate.
3. In addition to joining the contentions made by defendant Tumi in ¶5c of the Joint Trial Order, Felix and Ultra Fresh would add a subparagraph 5d as follows:
  - d. The defendants, Felix and Ultra Fresh, contend:
    - i. That defendant Felix is not personally liable as he was not an owner, director, or officer of defendant Tumi, was not a manager of Tumi, and did not control Tumi's PACA trust assets.
    - ii. That Ultra Fresh is liable for Tumi's obligations to plaintiff Moza LLC ("Moza").

4. As to ¶8 of the Joint Trial Order (Doc. 116 p.6), Felix and Ultra Fresh would add that they will call Catherine Bracho, William Bracho, and Michael Felix to testify regarding the defenses set forth in the proposed addition of ¶5d to the Joint Trial Order and set forth in ¶3 of this supplement, above.

5. As to Defendants list of documents in ¶11 of the Joint Trial Order, Felix and Ultra Fresh would note that Exhibit AA appears to have a typo in that the Bates stamp range appears to be 0094-0098 and Exhibit BB apparently consists of 3 pages, not 19 pages. In addition, out of an abundance of caution Felix and Ultra Fresh would add the following exhibits even though they appear to be on the plaintiff's exhibit list (plaintiff has not provided counsel for Felix and Ultra Fresh any of the documents on plaintiff's exhibit list):

- cc. Exhibit CC consisting of 3 pages being a USDA government record regarding the PACA license held by Ultra Fresh.
- dd. Exhibit DD consisting of 2 pages being a New York State Department of State document providing Entity Information pertaining to Ultra Fresh, LLC.
- ee. Exhibit EE consisting of 2 pages being a New York State Department of State document providing Entity Information pertaining to Tumi Produce International Corp.

Dated: March 28, 2019

Rabner Baumgart Ben-Asher & Nirenberg, P.C.  
Attorneys for Defendants Ultra Fresh, LLC and  
Michael Felix

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SO ORDERED:

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William H. Pauley, III  
Senior District Judge

Dated: March \_\_\_\_\_, 2019